

Margaret M. Fox

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November 14, 2013

Ms. Jocelyn Boyd Chief Clerk and Administrator South Carolina Public Service Commission Synergy Business Park, The Saluda Building 101 Executive Center Drive Columbia, South Carolina 29210

Re:

Application of New Horizons Communications Corp. for a Certificate of Public Convenience and Necessity to Provide Interexchange and Local Exchange Telecommunications Services and for Flexible and

Alternative Regulation **Docket No.: 2013-365-C**

Dear Ms. Boyd:

Enclosed for filing please find an executed Stipulation dated November 14, 2013, between the South Carolina Telephone Coalition ("SCTC") and New Horizons Communications Corp. in the above-referenced docket. By copy of this letter and Certificate of Service, all parties of record will receive a copy of this Stipulation via the U. S. Postal Service.

Please let me know if you have any questions regarding this filing.

Very truly yours,

McNAIR LAW FIRM, P. A.,

Margaret M. Fox

MMF:rwm Enclosure

cc:

Parties of Record

McNair Law Firm, P. A. 1221 Main Street Suite 1600 Columbia, SC 29201

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BEFORE

THE PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

Docket No. 2013-365-C

Re:	Application of New Horizons Communications
	Corp. for a Certificate of Public Convenience
	and Necessity to Provide Interexchange and
	Local Exchange Telecommunications Services
	and for Flexible and Alternative Regulation

STIPULATION

The South Carolina Telephone Coalition ("SCTC") (see attachment "A" for list of companies) and New Horizons Communications Corp. ("New Horizons") hereby enter into the following stipulations. As a consequence of these stipulations and conditions, SCTC does not oppose New Horizons' Application. SCTC and New Horizons stipulate and agree as follows:

- 1. SCTC does not oppose the granting of a statewide Certificate of Public Convenience and Necessity to New Horizons, provided the South Carolina Public Service Commission ("Commission") makes the necessary findings to justify granting of such a certificate, and provided the conditions contained within this stipulation are met.
- 2. New Horizons stipulates and agrees that any Certificate which may be granted will authorize New Horizons to provide service only to customers located in non-rural local exchange company ("LEC") service areas of South Carolina, except as provided herein.
- 3. New Horizons stipulates that it is not asking the Commission to make a finding at this time regarding whether competition is in the public interest for rural areas.
- 4. New Horizons stipulates and agrees that it will not provide any local service, by its own facilities or otherwise, to any customer located in a rural incumbent LEC's service area, unless and until New Horizons provides such rural incumbent LEC and the Commission with written

notice of its intent to do so at least thirty (30) days prior to the date of the intended service. During such notice period, the rural incumbent LEC will have the opportunity to petition the Commission to exercise all rights afforded it under Federal and State law. Also, New Horizons acknowledges that the Commission may suspend the intended date for service in rural LEC territory for ninety (90) days while the Commission conducts any proceeding incident to the Petition or upon the Commission's own Motion, provided that the Commission can further suspend the implementation date upon showing of good cause.

- 5. New Horizons stipulates and agrees that, if New Horizons gives notice that it intends to serve a customer located in a rural incumbent LEC's service area, and either (a) the Commission receives a Petition from the rural incumbent LEC to exercise its rights under Federal or State law within such 30-day period, or (b) the Commission institutes a proceeding of its own, then New Horizons will not provide service to any customer located within the service area in question without prior and further Commission approval.
- 6. New Horizons acknowledges that any right which it may have or acquire to serve a rural telephone company service area in South Carolina is subject to the conditions contained herein, and to any future policies, procedures, and guidelines relevant to such proposed service which the Commission may implement, so long as such policies, procedures, and guidelines do not conflict with Federal or State law.
- 7. The parties stipulate and agree that all rights under Federal and State law are reserved to the rural incumbent LECs and New Horizons, and this Stipulation in no way suspends or adversely affects such rights, including any exemptions, suspensions, or modifications to which they may be entitled.
- 8. New Horizons agrees to abide by all State and Federal laws and to participate, to the extent it may be required to do so by the Commission, in the support of universally available telephone service at affordable rates.

9. New Horizons hereby amends its application and its prefiled testimony in this docket to the extent necessary to conform with this Stipulation.

AGREED AND STIPULATED to this 14th day of November

2013.

New Horizons Communications Corp.

Scott Elliott, Esquire Elliott & Elliott, P. A. 1508 Lady Street Columbia, South Carolina 29201

Attorneys for Applicant New Horizons Communications Corp.

South Carolina Telephone Coalition:

M. John Bowen, Jr. Margaret M. Fox McNair Law Firm, P.A.

Post Office Box 11390 Columbia, South Carolina 29211

(803) 799-9800

Attorneys for the South Carolina Telephone Coalition

ATTACHMENT A

South Carolina Telephone Coalition Member Companies for Purposes of Local Service Stipulation

Chesnee Telephone Company

Chester Telephone Company d/b/a TruVista

Farmers Telephone Cooperative, Inc.

Ft. Mill Telephone Company d/b/a Comporium

Home Telephone ILEC, LLC d/b/a Home Telecom

Lancaster Telephone Company d/b/a Comporium

Lockhart Telephone Company d/b/a TruVista

McClellanville Telephone Company

Norway Telephone Company

Palmetto Rural Telephone Cooperative, Inc.

Piedmont Rural Telephone Cooperative, Inc.

PBT Telecom d/b/a Comporium

Ridgeway Telephone Company d/b/a TruVista

Rock Hill Telephone Company d/b/a Comporium

Sandhill Telephone Cooperative, Inc.

St. Stephen Telephone Company

West Carolina Rural Telephone Cooperative, Inc.

Williston Telephone Company

BEFORE

THE PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

Docket No. 2013-365-C

Re:	Application of New Horizons Communications)	
	Corp. for a Certificate of Public Convenience)	
	and Necessity to Provide Interexchange and)	CERTIFICATE
	Local Exchange Telecommunications Services)	OF SERVICE
	and for Flexible and Alternative Regulation)	
)	

I, Rebecca W. Martin, do hereby certify that I have this date served one (1) copy of the foregoing Stipulation upon the following parties of record by causing said copy to be deposited with the United States Postal Service, first class postage prepaid and affixed thereto, and addressed as follows:

Scott Elliott, Esquire Elliott & Elliott, P. A. 1508 Lady Street Columbia, South Carolina 29201 Lance J. M. Steinhart, Esquire Lance J. M. Steinhart, P. C. 1725 Windward Concourse Suite 150 Alpharetta, Georgia 30005

Courtney Dare Edwards, Esquire Office of Regulatory Staff 1401 Main Street, Suite 900 Columbia, South Carolina 29201

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November 14, 2013

Columbia, South Carolina